

# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,836	12/07/2001	Amir G. Khan	FDN-2671	7454
7	590 06/24/2003			
Att: William J. Davis, Esq. GAF MATERIALS CORPORATION Legal Department, Building No. 10			EXAMINER	
			SASTRI, SATYA B	
1361 Alps Road Wayne, NJ 07470		•	ART UNIT	PAPER NUMBER
,			1713	
			DATE MAILED: 06/24/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

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Salya B Sastri   1713  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is test ben brinty (30) days, a reply within the statisticy meletism and the state of the period for reply specified above is the salm brinty (30) days, a reply within the statisticy meletism and the state of the period for reply specified above is the salm brinty (30) days, as reply with legis 181, (b) (A) (This from the mailing date of this communication.  If the period for reply specified above is the salm brinty (30) days, as reply with legis 181, (b) (A) (C) (This from the mailing date of this communication of the period of the period for reply specified above. In an animal transfer, prospection and the state than three months after the mailing date of this communication, even if limely filled, may reduce any seamed pattern time algustment. See 37 CFR 17-049.  Status  Status  Status  Status  Status  Status  Sizes this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-20 (slare pending in the application.  4a) Of the above claim(s)	Office Action Summary		10/016,836	KHAN ET AL.				
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THE MAILING DATE OF THIS COMMUNICATION.  Extensions of the map be available under the provision of 3°C R1 1.13(g). In no event, however, may a reply be limely field after SX (6) MOXITIS from the mailing date of this communication of SX (6) MOXITIS from the mailing date of this communication of the same of								
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3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	1) Notic 2) Notic	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informat P					

#### **DETAILED ACTION**

1. This Office Action is in response to application filed on December 7, 2001. *Claims 1-20* are now pending.

## Specification

- 2. The disclosure is objected to because of the following informalities:
  - (1) On page 9, the table has component 3 spelt incorrectly.

Appropriate correction is required.

(2) The use of the trademark (Kwik Dri 66, Pa-14 and Minugel 35 on page 9, components 2, 3 and 4, respectively,) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1713

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being obvious over Abbott (US 4,430,465) in view of Fields (US 6,306,937 B1).

The disclosure of Abbott is in regard to an asphalt composition made by mixing together, asphalt, at least one alkadiene-vinylarene copolymer, a petroleum hydrocarbon resin an amine based antistripping agent. The composition may be useful for road repair and waterproofing purposes (abstract). Suitable copolymers include styrene isoprene block copolymers (column 3, lines 11-15, lines 15-29). Suitable hydrocarbon resins are unsaturated synthetic polymeric products derived from cracking of natural gas, oil or petroleum naphthas (column 3, lines 61-69, column 4, lines 1-32). The composition of this invention may be prepared by mixing together in any order the components of the composition. Typical useful amounts of the various components are disclosed in Table 1, column 5. In a preferred embodiment, natural organic fibers may be included in the compositions (column 5, lines 59, 60).

The difference between the prior art and the present invention is the inclusion of 1 to 10 weight % metal silicate and 0.1 to 5 wt.% of an alkoxyalkyl amine substituted ester of a  $C_2$  to  $C_{12}$  carboxylic acid in the adhesive composition.

Application/Control Number: 10/016,836

Art Unit: 1713

Page 4

The disclosure of Fields is in regard to oxidized all-weather cutback asphalts for application in roofing, waterproofing, and sealing applications in all weather conditions and other sealants. The asphalt compositions may be advantageously modified by the addition of rubber or other polymers, and by the addition of various fillers to improve sag, creep control and other properties in the finished cutback asphalt installation (column 2, lines 43-58). Relative proportions of the various components of the composition are described in Table 1, column 13. In regard to the fillers, cellulosic fibers, diatomaceous earth, limestone etc. may be used in the formulations. The disclosure includes that it is advantageous to prepare cellulose containing formulations by adding a quantity of colloidal attapulgite clay gelling compound to aid the suspension of cellulose fibers. Additionally, the dispersion of the colloidal attapulgite clay in the formulations is improved by the addition of an active cationic salt surfactant such as PA-14 (column 5, lines 34-57 and column 7, lines 15-20). In light of the benefits of including colloidal clay and cationic surfactant as disclosed by Fields, it would have been obvious for one of ordinary skill in the art at the time the invention was made to include such components in the adhesive compositions of Abbott and thereby obtain the present invention (*claims 1-20*).

#### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri at (703) 305-8490.

Art Unit: 1713

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached at (703) 308-2450.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-2351.

SATYA SASTRI

June 19, 2003

DAVID W. WU SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1700

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